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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JEFFREY SCOTT ZIEGLER,

7 Petitioner,

8 v.

9 STATE OF WASHINGTON,

10 Respondent.

No. C10-5263 BHS/KLS

ORDER TO SHOW CAUSE

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12 This case has been referred to United States Magistrate Judge Karen L. Strombom
13 pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court
14 on Petitioner's filing of an application to proceed in forma pauperis and a petition for writ of
15 habeas corpus under 28 U.S.C. § 2254. To file a petition and initiate legal proceedings,
16 Petitioner must pay a filing fee of \$5.00 or file a proper application to proceed in forma pauperis.
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Local Rule CR 3(b) provides in relevant part:

At the time application is made under 28 U.S.C. § 1915 or other applicable acts of Congress, for leave to commence any civil action or to file any petition or motion without being required to prepay fees and costs or give security for them, each petitioner, movant or plaintiff shall:

- (1) Complete the in forma pauperis affidavit approved for use in this district; and
- (2) File a written consent that the recovery, if any, in the action, to such amount as the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and costs taxed against the plaintiff, and to his attorney the amount which the court allows or approves as compensation for the attorney's services.

In addition, pursuant to 28 U.S.C. § 1915(a)(2):

1 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
2 proceeding without prepayment of fees or security therefor . . . shall submit a
3 certified copy of the trust fund account statement (or institutional equivalent) for
4 the prisoner for the 6-month period immediately preceding the filing of the
complaint or notice of appeal, obtained from the appropriate official of each
prison at which the prisoner is or was confined.

5 Mr. Ziegler has not completed the appropriate form, signed a written consent, or provided
6 the court with his trust fund account statement for the six month period immediately preceding
7 the filing of his lawsuit.

8 Accordingly, it is **ORDERED**:

9 (1) Petitioner must pay the filing fee of \$5.00 or submit a completed application for
10 leave to proceed *in forma pauperis*, including a signed written consent and trust fund account
11 statement for the six month period preceding the filing of his lawsuit, **on or before June 18,**
12 **2010.** Failure to do so shall be deemed a failure to properly prosecute this matter and the court
13 will recommend dismissal of this matter.

14 (2) The Clerk is directed to send a copy of this Order to Petitioner

15 DATED 26th day of May, 2010.

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20 Karen L. Strombom
21 United States Magistrate Judge
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